

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:97-CR-00166-01(CCC)

EDWIN RAMON OSORIO-PEÑA

**MOTION NOTIFYING VIOLATIONS TO THE SUPERVISED RELEASE CONDITIONS,
REQUEST FOR AN ORDER TO SHOW CAUSE HEARING, AND THE ISSUANCE OF A
SUMMONS**

**TO THE HONORABLE CARMEN CONSUELO CEREZO
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, August J. Castro, United States Probation Officer of this Court,
respectfully presenting an official report on the conduct and attitude of offender, Edwin Ramón Osorio-Peña, who on February 24, 2000, was sentenced to serve a term of imprisonment of seventy eight (78) months, to be followed by a supervised release term of four(4) years after he was convicted of violating Title 21, United States Code., Section 841. On July 18, 2003, Mr. Osorio-Peña was released from custody at which time he commenced the term of supervised release imposed. Besides the standard conditions of supervision, Mr. Osorio-Peña was ordered to refrain from any unlawful use of controlled substances, and to submit to substance abuse testing and treatment, if needed. He was further ordered to provide access to any financial information upon request of the probation officer. A special monetary assessment in the sum of \$300 was also imposed which was paid on July 18, 2003.

On March 19, 2007, a memorandum was sent to Your Honor notifying of the offender's violations of supervised release conditions. While on supervised release the offender has violated the following Mandatory Conditions:

1. "THE OFFENDER SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. THE OFFENDER SHALL NOT ILLEGALLY POSSESS A CONTROL SUBSTANCE".

On January 10, 2007, the offender was arrested and charged with violations of the Puerto Rico Controlled Substance Law, Articles 401, 404, 291. On June 13, 2007, probable cause was found by the Honorable Judge Tomasa Del C. Vázquez at the First Instance Court, Caguas, Puerto Rico.

2. STANDARD CONDITION #2: "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH".

On June 15, 2007, the offender submitted late the Monthly Supervision Reports for the months of January, February, March, April, and May 2007.

3. STANDARD CONDITION #6: "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER AT LEAST TEN DAYS PRIOR TO ANY CHANGE OF RESIDENCE OR EMPLOYMENT".

The offender failed to notify his alternate residence as required.

4. STANDARD CONDITION #11: "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER"

Mr. Osorio-Peña failed to notify of his arrest within the required time frame.

WHEREFORE, I declare under a penalty of perjury that the foregoing is true and correct, and it is respectfully requested, that the defendant be summoned to appear before this Court for an Order to Show Cause Hearing. It is also respectfully requested, the tolling of supervision term which is due to expire on July 17, 2007. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 26th day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/August J Castro
August J. Castro
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AJC/

CERTIFICATE OF SERVICE

I HEREBY certify that on June 26, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: USA Rosa E. Rodriguez-Vélez and Neil M Nameroff, Esq.

In San Juan, Puerto Rico, this 26th day of June 2007.

s/August J Castro
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